



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/872,349 06/10/97 RYAN

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LM01/0310

KENT A HENRINK  
DAVIS BROWN KOEHN SHORS & ROBERTS  
THE FINANCIAL CENTER  
666 WALNUT STREET SUITE 2500  
DES MOINES IA 50309

EXAMINER

COSIMANO, E

ART UNIT

PAPER NUMBER

2761

23

DATE MAILED:

03/10/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Art Unit: 2761

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The request filed on April 20, 1999 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/872,349 is **NOT** acceptable and a CPA will not be established for the reason given below.

2.1 From the file history it is noted that:

A) the Notice of Allowance and Issue Fee due for the instant application was mailed on November 10, 1998. Thus the status of the instant file between November 10, 1998 and February 16, 1999 was allowed awaiting payment of the Issue Fee.

B) on February 16, 1999 applicant paid the Issue fee. Thus the status of the instant file between February 16, 1999 and April 20, 1999 was allowed with the Issue Fee paid.

C) on April 20, 1999 applicant merely filed the request for a CPA of the instant application, without complying with MPEP § 1308 and 37 CFR § 1.313. Effectively attempting to reopen the prosecution of the instant application after payment of the Issue Fee.

2.1.1 Such an attempt to reopen the prosecution of the instant application after payment of the Issue Fee by filing a request for a CPA without the Petition to withdraw the instant application form Issue thereby not complying with MPEP § 1308 and 37 CFR § 1.313 is improper.

2.2 The request for a CPA filed April 20, 1999, will be placed in the instant application file but will not be considered or acted upon by the Patent Office.

Art Unit: 2761

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

3.1 The fax phone number for UNOFFICIAL FAXES for this group is (703) 305-0040.

3.2 The fax phone number for OFFICIAL FAXES for this group is either (703) 308-9051 or (703) 308-9052.

03/08/00



Edward R. Cosimano  
Primary Examiner A.U. 2761